

FY2010 Department of Homeland Security Assistance to States and Localities

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Summary

Since FY2002, Congress has appropriated more than \$33 billion for homeland security assistance to states, specified urban areas and critical infrastructures (such as ports and rail systems), the District of Columbia, and U.S. insular areas. The Grant Programs Directorate and the National Preparedness Directorate, within the Federal Emergency Management Agency, administer these programs for the Department of Homeland Security. Each assistance program has either an all-hazards purpose or a terrorism preparedness purpose.

These programs are primarily used by first responders, which include firefighters, emergency medical personnel, emergency managers, and law enforcement officers. Specifically, the appropriations for these programs provide for grants, training, exercises, and other support to states, territories, and tribal and joint jurisdictions to prepare for terrorism and major disasters.

This report provides information on enacted FY2009 and FY2010 funding for these grant programs. It also identifies potential issues Congress may wish to address. The report will be updated when congressional or executive branch actions warrant.

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This report is an overview of the FY2010 appropriations for the Department of Homeland Security (DHS) programs that are designed to provide assistance to state and local governments, and public and private entities, such as ports.¹ These programs are primarily used by first responders, which include firefighters, emergency medical personnel, emergency managers, and law enforcement officers. Specifically, the appropriations for these programs provide for grants, training, exercises, and other support to states, territories, and tribal and joint jurisdictions to prepare for terrorism and major disasters. The programs are administered by two different organizations within the Federal Emergency Management Agency: the Grant Programs Directorate (GPD) and the National Preparedness Directorate (NPD). This report will be updated to reflect appropriated funding for these programs in FY2010.

Grant Programs Directorate

GPD is responsible for administering the State and Regional Preparedness Program and the Metropolitan Statistical Area (MSA) Preparedness Program.

State and Regional Preparedness Program

The State and Regional Preparedness Program includes seven programs intended to provide resources to support preparedness projects and activities that build state and local homeland security capabilities as outlined in the National Preparedness Guidelines,² the Target Capabilities List,³ and the National Strategy for Homeland Security of 2007.⁴ The State and Regional Preparedness Program includes:

- State Homeland Security Grant Program (SHSGP);
- Firefighter Assistance Grants Program (FIRE);
- Driver's License Security Grants Program (DLSGP, formerly known as REAL ID);
- Citizen Corps Grant Program (CCP);
- Interoperable Emergency Communications Grant Program (IECGP);
- Regional Catastrophic Preparedness Grant Program (RCPGP);
- Medical Surge Grant Program (MSGP); and
- Emergency Management Performance Grants (EMPG).⁵

¹ For more information and analysis of FY2009 DHS grants to states and localities, see CRS Report R40246, *Department of Homeland Security Assistance to States and Localities: A Summary and Issues for the 111th Congress*, by Shawn Reese.

² The National Preparedness Guidelines are available at http://www.dhs.gov/xprepresp/publications/gc_1189788256647.shtm.

³ The Target Capabilities List is available at <https://www.llis.dhs.gov/displayContent?contentID=26724>.

⁴ The National Strategy for Homeland Security of 2007 is available at http://www.dhs.gov/xabout/history/gc_1193938363680.shtm.

⁵ U.S. Department of Homeland Security, *Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs: Fiscal Year 2010 Congressional Budget Submission*, Washington, DC, May 2009, pp. FEMA-SLP-1 - FEMA-SLP-2.

Metropolitan Statistical Area Preparedness Program

The Metropolitan Statistical Area Preparedness Program is specifically designed to provide assistance to high-threat, high-risk urban areas, and critical infrastructure (primarily transportation infrastructure). The Metropolitan Statistical Area Preparedness Program includes:

- Urban Area Security Initiative (UASI); and
- Transportation Infrastructure Protection (including port, rail/transit, bus, and Buffer Zone Protection security programs).⁶

National Preparedness Directorate (NPD)

NPD is responsible for administering the Training, Measurement, and Exercise Programs, which fund state and local preparedness exercises, training, technical assistance activities and evaluations. In FY2010 this account funds the National Exercise Program (NEP), State and Local Training Programs, Technical Assistance (TA) Programs, and Evaluations and National Assessments.⁷

FY2010 Appropriations

Congress appropriated approximately \$4.2 billion for DHS programs for state and locality homeland security in FY2010.⁸ Conferees also established limits on the amount FEMA and grantees can use funding for management and administration costs.⁹ See **Table 1** below for FY2009 and FY2010 funding levels. Additionally, **Table 1** provides information on the Administration's FY2010 budget request, and the House- and Senate-passed versions of the FY2010 DHS appropriations.

Table 1. FY2009 Enacted and FY2010 Requested Budget Authority for State and Local Programs

(All amounts in millions)

| Programs | FY2009 Enacted | FY2010 Budget Request | FY2010 House-Reported | FY2010 Senate-Reported | FY2010 Enacted |
|-------------------------------------------------------------|------------------|-----------------------|-----------------------|------------------------|------------------|
| Homeland Security Prevention and Protection Programs | | | | | |
| Urban Area Security Initiative | 838 | 887 | 887 | 887 | 887 ^a |
| State Homeland Security Grant Program | 950 ^b | 950 ^b | 950 ^b | 950 | 950 ^b |
| Driver's License Security Program (REAL ID) | 50 | 50 | 50 | 50 | 50 |

⁶ Ibid.

⁷ Ibid., p. FEMA-SLP-3.

⁸ P.L. 111-83.

⁹ Ibid.

| Programs | FY2009 Enacted | FY2010 Budget Request | FY2010 House- Reported | FY2010 Senate- Reported | FY2010 Enacted |
|--------------------------------------------------------------------------------------------------|--------------------|-----------------------------|------------------------------|-------------------------------|-------------------|
| Buffer Zone Protection Program | 50 | 50 | 50 | 50 | 50 |
| Transportation Security Grant Program | 1,120 ^c | 500 ^d | 512 | 706 | 612 ^e |
| Homeland Security Response and Recovery Programs | | | | | |
| Assistance to Firefighters | 985 ^f | 590 ^g | 800 | 800 | 810 |
| Emergency Management Performance Grants | 315 | 315 | 330 | 350 | 340 |
| Metropolitan Medical Response System | 41 | 40 | 40 | 40 | 41 |
| Citizen Corps Programs | 15 | 15 | 15 | 15 | 13 |
| Regional Catastrophic Preparedness | 35 | 35 | 0 | 35 | 35 |
| Interoperable Emergency Communications Grants | 50 | 50 | 50 | 50 | 50 |
| Mississippi Interoperable Communications | 20 | 0 | 0 | 0 | 0 |
| Emergency Operations Centers | 35 | 0 | 40 | 20 | 60 |
| Other National, State and Local Grant Programs/Training, Measurement and Exercise Program | | | | | |
| Commercial Equipment Direct Assistance Program | 8 | 0 | 0 | 0 | 0 |
| Continuing Training Grants | 31 | 23 | 31 | 27 | 29 |
| National Domestic Preparedness Consortium | 102 | 52 | 92 | 102 | 102 |
| Cybercrime Counterterrorism Training | 2 | 0 | 0 | 2 | 2 |
| Center for Domestic Preparedness/Noble Training Center | 62 | 63 | 40 | 63 | 63 |
| National Exercise Program | 40 | 42 | 40 | 40 | 40 |
| Technical Assistance Programs | 11 | 13 | 13 | 13 | 13 |
| Evaluations and Assessments | 16 | 18 | 16 | 18 | 16 |
| Rural Domestic Preparedness Consortium | 0 | 0 | 3 | 0 | 3 |
| Management and Administration | — ^h | 175 | 0 | 0 | 0 |
| Total | 4,776 | 3,868 | 3,959 | 4,217 | 4,166 |

Source: CRS Analysis of the FY2010 DHS Congressional Budget Justifications, the FY2010 DHS Budget in Brief, House-reported H.R. 2892 and H.Rept. 111-157, Senate-reported S. 1298 and S.Rept. 111-31, and P.L. 111-83.

Notes: Totals may not add due to rounding.

- a. This amount includes \$19 million for nonprofit organization security.
- b. This amount includes \$60 million for Operation Stone Garden.
- c. This amount includes \$550 million for port security, \$550 million for rail security, \$12 million for bus security, and \$8 million for trucking security.
- d. This amount includes \$250 million for port security, and \$250 million for rail security.
- e. This amount includes \$300 million for rail security, of which \$20 million for Amtrak security; \$300 million for port security; and \$12 million for bus security.
- f. This amount includes \$565 million for fire grants, and \$420 million for the SAFER program.
- g. This amount includes \$170 million for fire grants, and \$420 million for the SAFER program.
- h. Unlike FY2009, in FY2010, the Administration requests a specific budget authority for Management and Administration.

Issues

Even though Congress has appropriated funding for FEMA's grant programs, Congress could elect to address three issues when considering appropriating future funds for DHS's state and local assistance programs. The first issue is the overall reduction in funding for state and local assistance programs, the second issue is the allocation method DHS uses to determine state and local grant awards, and the third issue is the reduction in appropriations for the Assistance to Firefighters Program.

State and Local Grant Funding

One issue that has been debated annually by Congress is the overall amount to be appropriated for these programs. In FY2010, the Administration proposed to reduce the overall funding for these programs by \$909 million. The House-passed version of H.R. 2892 proposed to reduce the overall funding for these programs in FY2010 by \$817 million and the Senate-passed version of H.R. 2892 proposed a reduction of \$559 million. With the enactment of the FY2010 DHS appropriations, Congress determined to fund FEMA programs with an approximate appropriation total of \$4.2 billion, which was a reduction of \$610 million from the amount appropriated in FY2009. As stated earlier in this report, this reduction is either the result of the elimination of funding for some grant programs or through the reduction of funding for others. In the past eight years, Congress has appropriated an approximate total of \$33 billion for state and local homeland security assistance with an average annual appropriation of \$3.7 billion. In FY2009 Congress appropriated a high total of funding of \$4.78 billion; the lowest appropriated amount was \$1.43 billion in FY2002.

Some might argue that since over \$33 billion has been appropriated and allocated for state and local homeland security, jurisdictions should have met their homeland security needs. This point of view could lead one to assume that Congress should reduce funding to a level that ensures states and localities are able to maintain their homeland security capabilities, but doesn't fund new homeland security projects. Additionally, some may argue that states and localities should assume more responsibility in funding their homeland security projects and the federal government should reduce overall funding. This, however, may be difficult due to the present state and local financial circumstances.

Another argument for maintaining current funding levels is the ever changing terrorism threat and the constant threat of natural and accidental man-made disasters. As one homeland security threat (natural or man-made) is identified and met, other threats develop and require new homeland security capabilities or processes. Some may also argue that funding amounts should be increased due to what appears to be an increase in natural disasters and their costs.

Allocation Methodology

Another potential issue of debate is how grant program funding is distributed to states and localities. Specifically, Congress may want to continue to address the funding distribution methodologies to ensure states and localities meet their homeland security needs. This issue has garnered Congress' attention the most over the past eight years, with the issue addressed in P.L. 110-53 in January 2007. Specifically, P.L. 110-53 required that SHSGP and UASI allocations be based entirely on risk; however, SHSGP recipients were guaranteed a minimum amount annually through 2012.¹⁰ This funding debate has been primarily focused on SHSGP and UASI; funding allocation methodologies for the majority of GPD and NPD programs have not been discussed during this debate.

Some observers have criticized the guaranteed minimum allocation for SHSGP and the continued use of population as a key variable for other grant program distribution methodologies (for such grant programs as Emergency Management Performance Grants and Citizen Corps Programs). For example, the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) recommended that all homeland security assistance be allocated based only on risk. Since P.L. 110-53 required DHS to guarantee a minimum amount of SHSGP funding to states, it could be argued that the law did not meet the 9/11 Commission recommendation. On the other hand, some might contend that the statute requires funds to be allocated on the basis of risk but with a floor that provides a guaranteed minimum. While the 9/11 Commission criticized the allocation of federal homeland security assistance and recommended that the distribution not "remain a program for general revenue sharing,"¹¹ commissioners acknowledged that "every state and city needs to have some minimum infrastructure for emergency response."¹² The 9/11 Commission also recommended that state and local homeland security assistance should "supplement state and local resources based on the risks or vulnerabilities that merit additional support."¹³ In a policy document published prior to his inauguration, President Obama stated, in what arguably is in agreement with the 9/11 Commission, that homeland security assistance should be based solely on risk.¹⁴

Due to this criticism, Congress may wish to consider conducting oversight hearings on how DHS allocates homeland security funding to jurisdictions. Instead of guaranteed minimums, Congress could require that DHS allocate funding based solely on risk. This option, however, might result in some jurisdictions receiving no or limited allocations. Arguably, a risk assessment process used to allocate homeland security assistance would determine that every state and locality has some risk, whether terrorism or natural disaster related, and needs some amount of funding. Such a process, however, would require DHS to evaluate state and local capabilities (currently DHS relies primarily on grant recipient self evaluations), vulnerabilities, and risk in a manner that accurately reflects the nation's current homeland security environment.¹⁵

¹⁰ P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2007', 121 Stat. 282.

¹¹ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, Washington, DC, July 2004, p. 396.

¹² Ibid.

¹³ Ibid.

¹⁴ The Office of the President-elect, *Agenda: Homeland Security*, Washington, DC, 2008, http://change.gov/agenda/homeland_security_agenda/.

¹⁵ For information on DHS evaluation of state and local government use of federal homeland security grants, see CRS Report R40246, *Department of Homeland Security Assistance to States and Localities: A Summary and Issues for the 111th Congress*, by Shawn Reese.

Reduction in Assistance to Firefighters Program¹⁶

For FY2010, the Administration proposed \$170 million for Assistance to Firefighter Grants (AFG), a 70% decrease from the FY2009 level, and \$420 million for SAFER (Staffing for Adequate Fire and Emergency Response Firefighters), double the amount appropriated in FY2009. The total amount requested for firefighter assistance (AFG and SAFER) was \$590 million, a 24% decrease from FY2009. The FY2010 budget proposal stated that the firefighter assistance grant process will give priority to applications that enhance capabilities for terrorism response and other major incidents.

AFG grants are used primarily for firefighting equipment, while SAFER grants are used for hiring (by career departments) and recruitment/retention (by volunteer departments). The \$170 million request for AFG would have been the lowest level for the program since FY2001, the program's initial year. On the other hand, the proposed doubling of the SAFER budget to \$420 million would have been the highest level for this program since its inception. In evaluating the budget proposal, Congress may assess whether there is an appropriate balance between funding for firefighter equipment and hiring/recruitment.

House-passed H.R. 2892 provided \$800 million for firefighter assistance, including \$390 million for AFG and \$420 million for SAFER. Although the SAFER level matches the Administration's request, the AFG level is more than twice what the Administration proposed. According to the House committee report, the Administration's request of \$170 million for AFG "is woefully inadequate given the vast needs of fire departments across the nation for equipment." The committee directed FEMA to continue granting funds to local fire departments, include the United States Fire Administration in the grant decision process, and maintain an all-hazard focus while granting eligibility for activities such as wellness.

Senate-passed H.R. 2892 provided \$810 million for firefighter assistance, including \$390 million for AFG and \$420 million for SAFER. The committee directed DHS to continue funding applications according to local priorities and priorities established by the United States Fire Administration, and to continue direct funding to fire departments through the peer review process.

P.L. 111-83 provided \$390 million for AFG and \$420 million for SAFER, identical to the levels in both the House and Senate-passed bills. The Conference Agreement directed FEMA to continue the present practice of funding applications according to local priorities and those established by the USFA, to maintain an all-hazards focus, to grant funds for eligible activities in accordance with the authorizing statute, and to continue the current grant application and review process as specified in the House report.

¹⁶ This section prepared by Lennard G. Kruger, Specialist in Science and Technology, Resources, Science, and Industry Division.

Author Information

Shawn Reese
Analyst in Emergency Management and Homeland
Security Policy

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